

Application No. 09/145,255

Supplemental Reply under 37 CFR 1.116 - Expedited Procedure - Technology Center 3736

REMARKS

A applicant thanks the Examiner for his consideration of the application and submits this supplemental amendment to the response filed on December 9, 2002 such that the amendment now complies with 37 C.F.R. §1.173(b)(1)(2).

In paragraph 1 of the office action, the Examiner objected to the oath or declaration because "it fails to identify at least one error which is relied upon to support the reissue application." The applicant submitted a new reissue declaration with the amendment as filed December 9, 2002. The applicant submits a copy of the above referenced reissue declaration herewith.

In paragraph 2 of the office action, the Examiner rejected claims 1-15 as being based on a defective declaration. The applicant respectfully submits that the basis for this rejection has been removed with the submission of the new reissue declaration.

In paragraphs 3 and 4 of the office action, the Examiner rejected claim 15 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner stated that the specification does not describe "thereby reducing changes in the angle between the orientation of the subject and the inclination of the support surface on which the subject's second leg rests." The applicant believes that U.S. Patent No. 4,738,269, which is incorporated in the present application by reference, provides the support for this phrase. However, the applicant has removed the phrase from the claim as it is not necessary for patentability.

In paragraphs 5 and 6 of the office action, the Examiner rejected claims 10-14 under the judicially created doctrine of obviousness-type double patenting. Claims 10-14 have been cancelled without prejudice and were submitted for allowance in the continuation application bearing attorney docket 469/134.

In paragraph 7 of the office action, the Examiner indicated that claims 1-9 remain allowable over the prior art of record.


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CONCLUSION

The applicant petitions for a three-month extension of time under 37 C.F.R. §1.136 and authorizes the United States Patent and Trademark Office to charge deposit account number 19-4972 in the amount of \$465.00 in accordance with 37 C.F.R. §1.17(a). If any other fees are required for the timely consideration of this application, please charge deposit account number 19-4972. All the claim rejections have been addressed and all of the pending claims are allowable for the reasons stated and others. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,



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